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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 07844-292001
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450. _____ Date of Deposit _____ Signature _____ Typed or Printed Name of Person Signing Certificate	Application Number 09/266,680	Filed March 11, 1999
	First Named Inventor Jeff Young et al.	
	Art Unit 2176	Examiner William Bashore
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record <u>54,777</u> (Reg. No.)</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		
<p><input checked="" type="checkbox"/> Total of 5 pages are submitted in addition to the Notice of Appeal.</p>		

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December 14, 2005

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeff Young et al. Art Unit : 2176
Serial No. : 09/266,680 Examiner : William Bashore
Filed : March 11, 1999 Confirmation No.: 6131
Title : METHOD OF CONSTRUCTING A DOCUMENT TYPE DEFINITION FROM A
SET OF STRUCTURED ELECTRONIC DOCUMENTS

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Commissioner for Patents
P.O. Box 1450
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 - New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is hereby submitted with the Notice of Appeal. No amendments are being filed with this request.

Claims 14, 16-18, 20, 22-25, 28-30, 32 and 34-49 are pending, of which claims 14, 22, 25, 28 and 34 are independent. Claims 14, 16-18, 20, 22-25, 28-30, 32 and 34-49 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Motoyama (U.S. Patent No. 6,009,436) in view of Takasawa (UK Patent Application No. GB 2,307,571 A). Applicant submits that this rejection is clearly erroneous because the combination of Motoyama and Takasawa fails to describe or suggest a feature expressly recited in these claims.

1. *Using Common Patterns to Map Elements Automatically*

Claim 14 recites using common patterns identified by comparing two document type definitions (DTDs) – a first DTD and a target DTD – to map automatically elements in a source document that had conformed to the first DTD so as to recode a document according to the target DTD. The Examiner relies on Motoyama as disclosing this feature. See Final Office Action, pages 2-4. However, neither Motoyama nor Takasawa disclose this feature. See Reply to non-final Office Action at pages 10-11.

The Examiner mischaracterizes applicant's position as that "the cited references do not teach comparison between two DTDs." See Final Office Action, page 12. Rather, as clearly stated in applicant's reply to the non-final Office Action, applicant's argument is that the two DTDs in Motoyama are used as inputs to an editor used by a user to define a mapping and that Motoyama does not disclose using common patterns to map elements in a source document automatically to recode the source document according to the target DTD, as recited in claim 14.

See Reply to non-final Office Action at page 10 (citing Motoyama at Abstract and col. 26, line 66 to col. 27, line 11.)

Moreover, as best understood, the Examiner continues to cite the abstract, column 6, lines 1-4 and 30-32, Appendices A-D and Figures 3A-3B of Motoyama for this teaching. See Final Office Action at page 12. However, the cited passages of Motoyama do not teach or suggest that the first and the target DTD are compared to identify patterns between the two DTDs, and that the common patterns so identified are used to map automatically elements and sub-elements of the first DTD in the first source document to equivalent elements and sub-elements to recode the first source document according to the target DTD. See Reply to non-final Office Action at page 11.

Notably, the Examiner does not address the recited feature of automatic mapping – in particular, the Examiner, in rejecting claim 14, does not mention “using common patterns to map automatically elements in a source document as to recode the source document according to the target DTD,” much less cite a portion of Motoyama that does so. See Final Office Action, pages 2-4 (rejection of claim 14) and pages 12-13 (response to arguments). Nor does the Examiner assert that Takasawa describes or suggests using common patterns to map automatically elements in a source document as to recode the source document according to the target DTD.

Because the combination of Motoyama nor Takasawa does not meet every limitation recited in independent claim 14, applicant submits that the Examiner has not properly made a *prima facie* case of obviousness. Accordingly, the rejection of independent claim 14, and its dependent claims, should be withdrawn.

A corresponding feature is recited in independent claims 25 and 28. This feature is recited in independent claim 25 in this way: “use the common patterns identified by comparing the first and the target document type definitions to map automatically elements and sub-elements in the first document type definition of the first source document to recode the first source document according to the target document type definition to equivalent elements and sub-elements.”

This feature is recited in independent claim 28 in this way: “a computer processor configured by a mapping program to identify patterns common to the source document and the set of source documents by comparing the first document type definition and the target document type definition and map elements and sub-elements in the common pattern of the source

document to equivalent elements and sub-elements in the common pattern of the set of source documents, wherein to identify patterns includes to identify an element that is common to the first and second source documents but has a different name in the first source document than in the second source document and wherein to map elements includes to map a first element in the first source document to a second element in the second source document based on the identified common patterns.” Claim 28 recites automatic mapping in the mapping program that configures the computer processor “to identify patterns ... and map elements . . . to equivalent elements . . . ,” i.e., to do so automatically.

For the reasons noted above with respect to independent claim 1, applicant respectfully submits that the rejection of claims 25 and 28, and their respective dependent claims, should be withdrawn.

2. *Identifying Patterns Common to A Source Document and A Set of Source Documents*

Independent claims 22 and 34 each recite “identifying patterns common to the source document and the set of source documents, wherein identifying patterns includes identifying an element that is common to the first and second source documents but has a different name in the first source document than in the second source document.”

The Examiner conceded that Motoyama does not specifically teach identifying patterns common within documents and relied on Takasawa’s pattern identification of taking into account common patterns in the mapping process for the recited feature. See Final Office Action at pages 5-6 (citing Takasawa page 1 at middle). However, claims 22 and 34 recite “identifying patterns common to the source document and the set of source documents,” which requires two groups of patterns be considered – those of the source document and those of the set of documents. As noted by the Examiner, “Takasawa parses documents, and compares various elements to elements and attributes in said structured list (i.e., appearance frequency), resulting in a listed pattern of structured elements in the documents, precipitating generation of a DTD based upon said list.” See Final Office Action at pages 5-6 (citing Takasawa page 9 near bottom to page 10 at op, pages 11-12, page 16 at bottom and Figures 8-11) (emphasis added). Thus, the parsing and comparison of elements described by Takasawa is directed at generating a single DTD, whether from a single source document or from multiple source documents. This clearly does not meet cited limitation of claims 22 and 34.

Applicants surmise that the Examiner may be reading Takasawa's determination of an "appearance frequency," which reflects the number of times that an element appears in a set of input documents, as meeting the limitation recited in applicant's independent claims 22 and 34. See Final Office Action at page 13. If this is the case, applicants submit that such interpretation of the Takasawa's disclosure is clearly improper. Applicant's recited limitation of "identifying patterns common to the source document and the set of source documents, wherein identifying patterns includes identifying an element that is common to the first and second source documents but has a different name in the first source document than in the second source document" is unrelated to determining an appearance frequency of an element in a set of input documents. For example, as noted previously, applicant's limitation of "identifying patterns common to the source document and the set of source documents," requires two groups of patterns be considered – those of the source document and those of the set of documents.

Because the combination of Motoyama nor Takasawa does not meet every limitation recited in independent claims 22 and 34, applicant submits that the Examiner has not properly made a *prima facie* case of obviousness. Accordingly, the rejection of independent claims 22 and 24, and their respective dependent claims, should be withdrawn.

3. Conclusion and Relief

For at least the reasons noted above, the rejections of record are clearly improper and without basis. In view of the above, all of the claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: December 14, 2005

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